



2007 NOV -7 PH 5:46

DEPT 3 REF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ami ARONHEIM, et al

Serial No.: 09/777,856

Filed: February 7, 2001

For: NUCLEIC ACID CONSTRUCT
SYSTEM AND METHOD
UTILIZING SAME USEFUL
FOR IDENTIFYING PROTEIN-
PROTEIN INTERACTIONS

Group Art Unit: 1633

Attorney
Docket: 01/21605

Examiner: Maria Marvich

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on July 20, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as

\$ 125 for 5 additional claims over 20, and \$ 100 for 1 additional independent claims over 3, even though the above claims had been previously paid for and no new claims were introduced with the filing of the RCE. These charges were debited on July 24, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached July 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201 and 2202) were not required and paid by mistake.

A refund of \$ 225 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

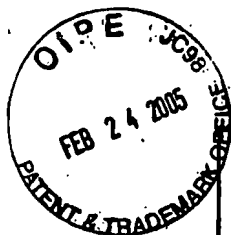
Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: October 31, 2007



PTO/88930 (08-00)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Application Number | 09/777,856 |
| Filing Date | February 7, 2001 |
| Examiner Name | Maria Marvich |
| First Named Inventor | ARONHEIM et al |
| Group Art Unit | 1636 |
| Attorney Docket Number | 01/21605 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50082 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

b. Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☒ Other Three Month Extension fee
v. ☐ Other

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

| | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|---|-----------|---|--------------|--------------|---------------------------|-----------|
| | | | RATE | FEE | RATE | FEE |
| Request for Continued Examination (RCE) | | | 1 | \$ 395 | | \$ 790 |
| Multiple Dependent Claims | | | 0 x \$ 180 | \$ 0 | x \$ 360 | \$ |
| Total Claims | 23 - 20 = | 3 | 3 x \$ 25 | \$ 75 | x \$ 50 | \$ |
| Independent Claims* | 4 - 3 = | 1 | 1 x \$ 100 | \$ 100 | x \$ 200 | \$ |
| | | | TOTAL | \$570 | TOTAL | \$ |

☒ The Commissioner is hereby authorized to charge \$570.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|----------------------|----------------------|--------------------------------------|-------------------|
| Name (Print/Type) | Sol Sheinbein | Registration No. (Attorney/Agent) | 25,457 |
| Signature | <i>Sol Sheinbein</i> | Date | February 24, 2005 |

02/28/2005 AMONDAF1 00000060 501407 09777856

01 FC:2801 395.00 DA
02 FC:2202 75.00 DA
03 FC:2201 100.00 DA

Adjustment date: 12/03/2007 NGBREM2
07724/2006 HAL111 00000033 501407 09777856
02 FC:2202 125.00 CR
03 FC:2201 100.00 CR



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Application Number | 09/777,856 |
| Filing Date | February 7, 2001 |
| Examiner Name | Maria MARVICH |
| First Named Inventor | Aml ARONHEIM |
| Group Art Unit | 1633 |
| Attorney Docket Number | 01/21605 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☒ **Previously submitted**
 - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 12, 2006
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. ☒ **Enclosed**
 - i. ☐ **Amendment/Reply**
 - ii. ☐ **Affidavit(s)/Declaration(s)**
 - iii. ☐ **Information Disclosure Statement (IDS)**
 - iv. ☒ **Other Three (3) Month Extension fee**
 - v. ☐ **Other**
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for
a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ **Other** _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

| For: | Column 1 No. Filed | Column 2 No. Extra | SMALL ENTITY RATE FEE | | OTHER THAN A SMALL ENTITY RATE FEE | |
|---|--------------------------|--------------------------|--------------------------|--------------|---------------------------------------|-----------|
| Request for Continued Examination (RCE) | | | 1 | \$ 395 | | \$ 790 |
| Multiple Dependent Claims | | | 0 x \$ 180 | \$ 0 | x \$ 360 | \$ |
| Total Claims | 25 - 20= | 5 | 5 x \$ 25 | \$ 125 | x \$ 50 | \$ |
| Independent Claims* | 4 - 3= | 3 | 1 x \$ 100 | \$ 100 | x \$ 200 | \$ |
| | | | TOTAL | \$620 | TOTAL | \$ |

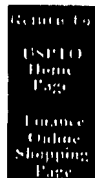
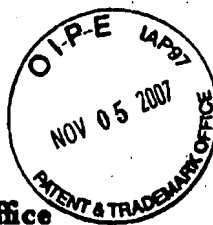
☒ The Commissioner is hereby authorized to charge \$620. - filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------------|-----------------------------------|---------------|
| Name (Print/Type) | Martin D. Moynihan | Registration No. (Attorney/Agent) | 40,338 |
| Signature | | Date | July 20, 2006 |



United States
Patent and
Trademark Office

**Deposit Account Statement**

Requested Statement Month: July 2008
 Deposit Account Number: 501407
 Name: G E EHRLICH (1995) LTD.
 Attention: A J CASTORINA
 Address: 2001 JEFFERSON DAVIS HIGHWAY
 City: ARLINGTON
 State: VA
 Zip: 22202
 Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-----|--------------------|---------------------------|-------------|------------|-------------|
| 07/03 | 391 | 11476787 | 31693 | 2011 | \$150.00 | \$84,692.55 |
| 07/03 | 392 | 11476787 | 31693 | 2111 | \$250.00 | \$84,442.55 |
| 07/03 | 393 | 11476787 | 31693 | 2311 | \$100.00 | \$84,342.55 |
| 07/03 | 394 | 11476787 | 31693 | 2201 | \$200.00 | \$84,142.55 |
| 07/03 | 395 | 11476787 | 31693 | 2202 | \$1,100.00 | \$83,042.55 |
| 07/03 | 2 | 09761149 | 01/21745 | 2201 | \$800.00 | \$82,442.55 |
| 07/03 | 434 | 10583759 | 32102 | 2631 | \$150.00 | \$82,292.55 |
| 07/03 | 435 | 10583759 | 32102 | 2632 | \$250.00 | \$82,042.55 |
| 07/03 | 436 | 10583759 | 32102 | 2633 | \$100.00 | \$81,942.55 |
| 07/03 | 438 | 10583759 | 32102 | 2614 | \$800.00 | \$81,042.55 |
| 07/03 | 437 | 10583759 | 32102 | 2615 | \$1,525.00 | \$89,517.55 |
| 07/03 | 439 | 10583759 | 32102 | 8021 | \$40.00 | \$89,477.55 |
| 07/03 | 147 | 60794501 | 31142(31964) | 8007 | \$20.00 | \$89,457.55 |
| 07/05 | 304 | 10240411 | 24938 | 1504 | \$300.00 | \$89,157.55 |
| 07/05 | 305 | 10240411 | 24938 | 2501 | \$700.00 | \$88,457.55 |
| 07/05 | 306 | 10239990 | 25131 | 1504 | \$300.00 | \$88,157.55 |
| 07/05 | 307 | 10239990 | 25131 | 2501 | \$700.00 | \$87,457.55 |
| 07/05 | 308 | 10862397 | 31087 | 1504 | \$300.00 | \$87,157.55 |
| 07/05 | 309 | 10862397 | 31087 | 2501 | \$700.00 | \$86,457.55 |
| 07/05 | 95 | 60776419 | 31582 | 8021 | \$40.00 | \$86,417.55 |
| 07/05 | 96 | 60794882 | 31581 | 8021 | \$40.00 | \$86,377.55 |
| 07/05 | 97 | 10564165 | 31250 | 8021 | \$40.00 | \$86,337.55 |
| 07/05 | 98 | 60808108 | 32074 | 8021 | \$40.00 | \$86,297.55 |
| 07/05 | 99 | 60815581 | 32265 | 8021 | \$40.00 | \$86,257.55 |
| 07/05 | 100 | 60814900 | 32234 | 8021 | \$40.00 | \$86,217.55 |
| 07/05 | 101 | 60814572 | 32230 | 8021 | \$40.00 | \$86,177.55 |
| 07/05 | 102 | 60815583 | 32079 | 8021 | \$40.00 | \$86,137.55 |
| 07/05 | 103 | 60812988 | 31541 | 8021 | \$40.00 | \$86,097.55 |
| 07/05 | 104 | 60816318 | 32268 | 8021 | \$40.00 | \$86,057.55 |
| 07/05 | 128 | 60698970 | 30299 | 8021 | \$40.00 | \$86,017.55 |
| 07/05 | 129 | 10564760 | 31397 | 8021 | \$40.00 | \$85,977.55 |
| 07/05 | 1 | 60817380 | 32264 | 2005 | \$100.00 | \$85,877.55 |

| | | | | | | |
|-------|-----|----------|--------------|------|------------|-------------|
| 07/19 | 347 | 60831185 | 28722 | 2005 | \$100.00 | \$47,982.55 |
| 07/19 | 236 | 10551717 | 30695 | 2817 | \$85.00 | \$47,897.55 |
| 07/19 | 124 | 08577187 | Q62741 | 2253 | \$510.00 | \$47,387.55 |
| 07/19 | 174 | 08577187 | Q62741 | 2201 | \$100.00 | \$47,287.55 |
| 07/19 | 173 | 08577187 | Q62741 | 2202 | \$125.00 | \$47,162.55 |
| 07/20 | 70 | 11411772 | 31885 | 2051 | \$85.00 | \$47,097.55 |
| 07/20 | 117 | 60831676 | 31946 | 2005 | \$100.00 | \$46,997.55 |
| 07/20 | 119 | 60831675 | 31864 | 2005 | \$100.00 | \$46,897.55 |
| 07/20 | 186 | 11487431 | 32190 | 8021 | \$40.00 | \$46,857.55 |
| 07/21 | 3 | 10233409 | 24946 | 2202 | \$25.00 | \$46,832.55 |
| 07/21 | 66 | 10755289 | 02/23984 | 2501 | \$700.00 | \$46,132.55 |
| 07/21 | 67 | 10755289 | 02/23984 | 1504 | \$300.00 | \$45,832.55 |
| 07/21 | 171 | 10660478 | 26374 | 2814 | \$85.00 | \$45,767.55 |
| 07/21 | 260 | 10531300 | 29282 | 2253 | \$510.00 | \$45,257.55 |
| 07/21 | 268 | 60831937 | 32447 | 2005 | \$100.00 | \$45,157.55 |
| 07/21 | 269 | 60831937 | 32447 | 2085 | \$125.00 | \$45,032.55 |
| 07/21 | 270 | 60831938 | 32428 | 2005 | \$100.00 | \$44,932.55 |
| 07/21 | 204 | 60705442 | 29866(32448) | 8007 | \$20.00 | \$44,912.55 |
| 07/21 | 232 | 60721961 | 30737 | 8007 | \$20.00 | \$44,892.55 |
| 07/21 | 233 | 11364169 | 30455(32448) | 8007 | \$20.00 | \$44,872.55 |
| 07/24 | 45 | 09777856 | 01/21605 | 2801 | \$395.00 | \$44,477.55 |
| 07/24 | 47 | 09777856 | 01/21605 | 2201 | \$100.00 | \$44,377.55 |
| 07/24 | 46 | 09777856 | 01/21605 | 2202 | \$125.00 | \$44,252.55 |
| 07/24 | 48 | 09777856 | 01/21605 | 2253 | \$510.00 | \$43,742.55 |
| 07/24 | 48 | 09978297 | 01/22716 | 2801 | \$395.00 | \$43,347.55 |
| 07/24 | 51 | 09978297 | 01/22716 | 2201 | \$900.00 | \$42,447.55 |
| 07/24 | 50 | 09978297 | 01/22716 | 2202 | \$1,200.00 | \$41,247.55 |
| 07/24 | 52 | 09978297 | 01/22716 | 2251 | \$60.00 | \$41,187.55 |
| 07/24 | 271 | 10239992 | 25130 | 2501 | \$700.00 | \$40,487.55 |
| 07/24 | 272 | 10239992 | 25130 | 1504 | \$300.00 | \$40,187.55 |
| 07/24 | 103 | 60700318 | 30331(32329) | 8007 | \$20.00 | \$40,167.55 |
| 07/24 | 104 | 60700317 | 30332(32329) | 8007 | \$20.00 | \$40,147.55 |
| 07/24 | 105 | 60800845 | 29955(32328) | 8007 | \$20.00 | \$40,127.55 |
| 07/24 | 106 | 60800846 | 30429(32328) | 8007 | \$20.00 | \$40,107.55 |
| 07/24 | 107 | 60763458 | 31146(32328) | 8007 | \$20.00 | \$40,087.55 |
| 07/24 | 108 | 60750334 | 31147(32328) | 8007 | \$20.00 | \$40,067.55 |
| 07/24 | 109 | 60741440 | 31076(32328) | 8007 | \$20.00 | \$40,047.55 |
| 07/24 | 110 | 60720652 | 30739(32328) | 8007 | \$20.00 | \$40,027.55 |
| 07/24 | 111 | 60720541 | 29689(32328) | 8007 | \$20.00 | \$40,007.55 |
| 07/24 | 112 | 60720034 | 30735(32328) | 8007 | \$20.00 | \$39,987.55 |
| 07/24 | 113 | 60800845 | 29955(32329) | 8007 | \$20.00 | \$39,967.55 |
| 07/24 | 114 | 60800846 | 30429(32329) | 8007 | \$20.00 | \$39,947.55 |
| 07/24 | 115 | 60763458 | 31146(32329) | 8007 | \$20.00 | \$39,927.55 |
| 07/24 | 116 | 60750334 | 31147(32329) | 8007 | \$20.00 | \$39,907.55 |
| 07/24 | 117 | 60741440 | 31076(32329) | 8007 | \$20.00 | \$39,887.55 |
| 07/24 | 118 | 60720652 | 30739(32329) | 8007 | \$20.00 | \$39,867.55 |
| 07/24 | 119 | 60720541 | 29689(32329) | 8007 | \$20.00 | \$39,847.55 |
| 07/24 | 120 | 60720034 | 30735(32329) | 8007 | \$20.00 | \$39,827.55 |
| 07/24 | 121 | 60702979 | 30423(32329) | 8007 | \$20.00 | \$39,807.55 |
| 07/24 | 122 | 60700752 | 29952(32329) | 8007 | \$20.00 | \$39,787.55 |
| 07/24 | 123 | 60700753 | 30333(32329) | 8007 | \$20.00 | \$39,767.55 |
| 07/24 | 124 | 60700299 | 30295(32329) | 8007 | \$20.00 | \$39,747.55 |